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THE

MINISTERIAL CRISIS:

MR. D. B. VIGER,

AND HIS POSITION:

BEING A

REVIEW OF THE HON. MR. VIGER'S PAMPHLET

ENTITLED

"LA CRISE MINISTERIELLE ET
MR. DENIS BENJAMIN VIGER, ETC. EN DEUX PARTIES."

BY A REFORMER OF 1836.

Printed and Sold at the Chronicle & Gazette Office.

KINGSTON,

1844.

The following remarks were thrown together very hastily, the author having intended to get them inserted in one of the Newspapers. When about to place them in the hands of the Printer it was suggested to him, that their publication in pamphlet form would be more likely to secure for them a general circulation, especially among those who have not an opportunity of seeing the Newspapers. It is hoped that there will be a sufficient number of Reformers in each of the Districts zealous enough to promote the gratuitous circulation of this pamphlet among those whose means of obtaining political information are limited.

HON. MR. VIGER.—HIS POSITION.

The Hon. Mr. VIGER's long promised explanation has at length appeared. The pamphlet which contains it is at least sufficiently imposing in appearance. There is an "Avertissement," "Première partie," "Seconde Partie" and "Postscriptum." Were it not for the respect which we entertain for Mr. Viger's personal character and for his undoubted talents, we should be tempted to exclaim "Parturiunt montes, nascetur ridiculus mus." The greater part of the pamphlet is occupied with Mr. Viger's speech in the Assembly on Mr. Price's motion, which might certainly have been published at least two months ago. The remainder, which is about the length of an ordinary editorial article in one of our leading prints, contains no new matter whatever, and leaves Mr Viger and his position precisely where they were.

If the Speech, when delivered by Mr. Viger, with his usual ability, failed to convince the Members of the House of Assembly that he was right in opposing the Ex-Ministers who had made a constitutional stand in defence of the rights and liberties of the people, there need not be much apprehension entertained that the pamphlet under consideration will produce any serious effect on the public mind. Nevertheless, Mr. Viger is not a man to be treated with any thing like contempt, and his apparent confidence in the soundness of his views, and the challenge he has thrown out to his opponents, would alone be sufficient to ensure for him a notice at our hands. The following is a brief extract from the pamphlet:

"Ce qui devra maintenant paraitre inexplicable, c'est qu'en dépit de l'insistance de Mr. Viger sur ces motifs, comme sur une foule d'autres, d'une importance égale pour les Ministres, de reculer devant ce qu'il regardait comme un grave oubli de leur devoir, on ne voit pas qu'un seul Membre ait tenté de le réfuter. Ce qui devra surprendre encore davantage, c'est qu'a peine il est question de ces remarques dans les nombreux discours des Ministres ou de leurs partizans!"

Mr. Viger might have spared the word "tenté." The members of the late Ministry and their friends have always felt quite satisfied that Mr. Viger's objections to their conduct were fully answered, and it is therefore a little too bad to be told that they never even made an attempt to refute them.

Before going into the merits of the questions at issue between Mr. Viger and the Ex-Ministers, we would observe that we are not of the number of those who look upon Mr. Viger either "comme dévoré par l'ambition" or "comme s'étant couvert de déshonneur," or "comme un traitre a son pays," or as being under the influence "de vues d'une ambition vaniteuse, ou d'intérêts mercenaires." Mr. Viger has passed through the ordeal of public life with so much honor to himself as to render the charges of which he complains quite nugatory.

He has however committed a grievous error, and his friends have put the most charitable construction possible on his conduct when they have attributed to him that he was " le jouet d'une espèce d'*hallucination*," "dans la plus complète illusion." Could they have had any doubts on the subject the pamphlet under consideration would, in all probability, have set them at rest.

In dealing with Mr. Viger we have the satisfaction of being able to come at once to the real question before the country, viz: RESPONSIBLE GOVERNMENT. Our present opponent is far too honorable to descend to what we must term the jugglery of Mr. Gibbon Wakefield. He does not pretend that the late Ministry had lost ground either with the Legislative Council or with the House of Assembly, that their measures were unpopular, that he himself was the leader of a party in opposition to them, and that they were obliged " to pick a quarrel" with the Governor to save themselves from defeat. All these things, however, have been said or insinuated by the leading partizans of the Provisional Ministry. Mr. Viger, on the other hand, declares that " up to Monday 27th Nov. our Ministers enjoyed an influence in the House that could hardly be surpassed." " Jusqu 'au Lundi, 27e Novembre nos Ministres exerçaient dans la Chambre une influence qui n'est guère susceptible d'etre surpassée." He goes on to admit that their measures encountered no serious opposition and that *many others of great importance* (qu. University bill?) were on the point of terminating in a similar manner, " étaient sur le point de se terminer de la meme manière." These admissions are very important, coming as they do from a gentleman of Mr. Viger's high character and the leading member of the existing Administration. Mr. Wakefield, however, will care little personally for this exposure of his misstatements, and it would hardly be fair to act upon Mr. Buchanan's principle and hold all the opponents of the late Ministry responsible for the sayings and doings of the Hon. Member for Beauharnois.

We now proceed to consider the questions at issue between Mr. Viger and the Ex-Ministers. The former gentleman objects to all the proceedings in Parliament on the ground that they were based on the Ministerial explanations, authorised as it was supposed, and on the two documents first read in the House and afterwards communicated by message, by the Head of the Government, and that the explanations not having been authorized, and the communication of the documents having been unprecedented and highly improper, the House had really nothing whatever before it to form the basis of an address or of any other proceeding. This view of the question Mr. Viger embodied in his amendment to Mr. Price's motion. We shall, however, be more precise in stating what we understand to be the grounds of Mr. Viger's opposition to the Ex-Ministers. He says, 1st—that they resigned without any cause, or rather, that there was no specific fact admitted on all hands, as the ground of their resignation. Alluding to Mr. Lafontaine's communication, he says that except what relates to the Secret Societies Bill it " n'avait rien de l'état de faits précisés, clairs et distincts, essentiellment nécessaire en pareille circonstance." 2d. It is denied that the Ministry ever had permission to explain in the manner that they did, and even if such permission had been given, it should have been

held as withdrawn by the communication from the Head of the Government protesting against it. It follows, of course, from the adoption of such a view, that the Ministers violated their oaths of secrecy as Executive Councillors. 3d. It is asserted that the Ministers took a great latitude in their explanations —stating facts not alluded to in Mr. Lafontaine's communication, and one Member is accused of speaking "de ce qui s'etait passé sous Sir Charles Bagot" We propose taking up these several objections, in the order in which we have stated them, and shall therefore proceed to consider, 1st, the cause of the resignation. Mr. Viger is evidently much attached to forms and precedents, not more so, perhaps, than some members of the late Ministry. We are very far from finding fault with him on that score, but when we are referred to a *precedent* we must examine closely to ascertain whether the circumstances are similar. Mr. Viger is perfectly aware that under a bona fide system of Responsible Government administered as he, Mr. Wakefield, Mr. Buchanan, the Ex-Ministers, a large majority of the Honse of Assembly, and a still larger majority of the people think that it ought to be administered, a resignation could not take place unless on what he terms facts "*precises, clairs et distincts.*" Hence it would be difficult to find a precedent in England for the course taken by the Ex-Ministers, no Sovereign there having attempted, since the Revolution, to administer the affairs of the Empire unless with the advice of the Responsible Ministers of the Crown. The circumstances in Canada were such as to impose on the Ministry the necessity of establishing a precedent. Let us assume, for argument's sake at present, that the statements of the Ex-Ministers had appeared without comment, that Mr. Secretary Daly had risen in his place in the House and admitted both their correctness and that the Head of the Government had given his entire sanction to their being communicated to the House—What then would have been Mr. Viger's course? Would he have pretended that there were no facts "précisés clairs et distincts?" Let us examine the statement of Mr. Lafontaine for ourselves. The facts there stated are, 1st, that "His Excellency took a widely different view of the position, duties and responsibilities of the Executive Council from that under which they accepted office."

2d. That such "difference of opinion has led not merely to appoint-
"ments to office against their advice, but to appointments and proposals to
"make appointments of which they were not informed in any manner,
"until an opportunity of offering advice respecting them had passed by,
"and to a determination on the part of His Excellency to reserve for the ex-
"pression of Her Majesty's pleasure thereon, a bill introduced into the Pro-
"vincial Parliament with His Excellency's knowledge and consent, as a Gov-
"ernment measure, without an opportunity being given to the members of the
"Executive Council to state the probability of such a reservation."

We freely admit, and so did Mr. Lafontaine, that with the Governor's theory regarding Responsible Government we have nothing to do, unless in so far as it influences him in the actual administration of public affairs. But assuming as we now do the statement of Mr. Lafontaine to be correct, and admitted as such by the Governor, we maintain that there were facts "précisés clairs et distincts"

more than sufficient to justify the resignation. But if instead of taking the broad ground which they did, the late Ministers had resigned upon what Mr. Viger would call "un fait distinct," viz : on some one of the many appointments which were calculated to undermine their political influence, what would have been the result? Why, the delusion under which Mr. Viger and the public were and are still labouring would have been kept up. It would have been supposed that the Governor was really administering public affairs with the advice of his Council, and that the latter had resigned merely because *in some one particular case* the Governor had differed from them. Then we should have heard on all sides, both from friends and enemies—"What an unreasonable set of men! They wanted an entire controul of the Prerogative,—they wished to deprive the Governor of all voice in the administration of the Government,"—in short all that has been falsely urged against them might, under such circumstances, have been said with perfect truth. We contend, that notwithstanding all that has been said of the superior conduct of the Nova Scotia Councillors, the Canadian Ex-Ministers were still more faithful to their constituents as well as to the great cause of Responsible Government. Lord Falkland has, it is true, like Sir Francis Head, "let the cat out of the bag," and has shewn clearly that he either does not understand Responsible Government or that he has no idea of carrying it into practice. We believe the views of Sir Charles Metcalfe—and we judge him by his own public declarations—to differ in no essential particular from those expressed by Lord Falkland. The Governor who could contemplate offering such a situation as the Speakership of the Legislative Council without consulting his Council, either does not understand the working of Responsible Government or does not choose to practise it.

Our object in the foregoing remarks has been to shew, that *in the circumstances in which the late Ministers were placed, differing entirely* from those under which the resignations occurred, quoted by Mr. Viger as *precedents*, they would not have done their duty to Parliament or the people had they not brought the real question under discussion. Then as to the time. That of course is a point which their supporters ought to have the liberality to leave, *in some degree*, to their own judgment. They themselves could never have had a doubt that they would be censured by many. Some charge them with holding office *too long*, from mercenary considerations, although one of their number had previously resigned twice, and had then been accused of being too hasty. Others again raise the cry of *precipitancy*, and amongst the latter class we should be almost inclined to rank Mr. Viger, who says "on ne "croit pas devoir se permettre ici des conjectures sur les motifs de cette preci- "pitation de leur part lors qu'ils devaient, ce semble, pouvoir souffrir encore "quelques semaines de ce qu'ils ont qualifié *d'antagonisme*, qu'ils avaient "pu supporter pendant déja près d'une année." This subject has been fully treated by Mr. Baldwin in his speech at the Toronto dinner, and we shall therefore content ourselves here with stating that although particular circumstances forced the Ministry to bring the state of public affairs under the notice of the Governor General, yet we can imagine no time more suitable for a discussion of the points of difference between His Excellency and the Coun-

cil, than when Parliament was in Session ; and we would remind Mr. Viger that the Council were never informed of the "antagonism" until the day that they determined on resigning, and further that the term was not employed by them but by the Governor General.

We have endeavored to demonstrate, that assuming Mr. Lafontaine's representation to be true, and uncontradicted in any way, there were facts quite sufficiently "précisés clairs et distincts" to be laid before Parliament and the Country, and that Mr. Viger has no right to charge the Ex-Ministry with not following British *precedent*, until he is prepared to shew *a precedent* of a British Sovereign administering the affairs of the Empire on the same principles as Sir Charles Metcalfe did those of Canada. The only *precedent* that occurs to us at this moment that can be applied with propriety to the case before us, is the resignation of Messrs. P. Robinson, Markland, Wells, Baldwin, Dunn and Rolph, in consequence of Sir Francis Head's meeting a very similar remonstrance to that of the Ex-ministry in a very similar manner to that of Sir Charles Metcalfe. In that case the Council put their views on paper, in the shape of a memorandum, which was answered by the Governor, on which the Council resigned. Mr. Baldwin asked permission to make the usual Parliamentary explanations, which was granted, exactly as on the late resignations. Not being in Parliament, he wrote a letter to the Parliamentary leader of his party, (Mr. Perry,) stating all the circumstances connected with his acceptance and resignation of office, which letter was read in the House of Assembly in the course of debate. An address to the Lieut. Governor, for information, was then passed, and all the documents communicated, when the House proceeded to pass a vote of want of confidence in the new Ministry. Now, whatever opposition may have been made to Mr. Baldwin's views of Responsible Government at the time, we never heard any one assert that there was *no ground for the resignation*, or that the proper mode had not been taken of bringing the question fairly before the country.

We come now to consider, 2dly, the Ministerial explanations, the authority for making them, and what Mr. Viger terms *the protest* against them (le protêt le plus formel) on the part of the Head of the Government. We shall also prove the correctness of Mr. Lafontaine's statement as to the real cause of the resignation of the late Ministry, which we have already assumed to be true. Mr. Viger has very correctly stated the circumstances under which Executive Councillors may disclose to the public "ce qui se passe ou se communique dans leurs deliberations." He says "Ils peuvent obtenir de lui (the Governor) la permission de faire connaitre aux Chambres Législatives les points sur lesquels leurs vues se sont trouvées différentes." "They may obtain permission from him (the Governor) to make known to both Houses of the Legislature, the points upon which their views are found to be different." Mr. Viger goes on to add that they can give no explanations but with regard to facts of public notoriety ; and refers to past history for examples. We shall have something more to say to Mr. Viger about "precedents," but we deny altogether his position that the Ministers are precluded from giving such explanations as may be required for the public good. The rule with regard to

explanations is perfectly clear, and there can be no limitation whatever to the extent of the disclosures which may be made except that which the public weal may require. It is true that no disclosures can be made without permission, but whenever a difference arises between the Head of the Government and his Ministers, Parliament and the public have a right to the fullest information. What is the object of making explanations at all? That the public may be able to judge whether the retiring Ministry have acted right or wrong. They are the parties upon trial, and they have a right to expect permission *to state every thing necessary for their complete justification.* It would be as unprecedented as it would be useless for the Sovereign or his Representative *to limit the explanations* of Ministers, because any attempt to do so would invariably be met, as Mr. Baldwin declared in the House he would have met it, viz. by a refusal to say one word until the required permission should be granted. No new Ministry would venture to assume the responsibility of such a refusal. But on the other hand no man or set of men would be borne out by Parliament or the Country in asking permission, or using it when given to make disclosures unconnected with the subject of difference. We contend that the late Ministry made no allusions whatever, during the debates arising out of their resignation, that had not a direct and palpable bearing on the question at issue, and *that were not necessary for their vindication.* Although many insinuations have been made that they violated their oaths, no specific case has been adduced in which they stated anything unconnected with the cause of their resignation. As to the mode of making the explanations, that we believe it is admitted was in accordance with all *precedent.* The *verbal* permission has been cavilled at, and it has been said that it should have been in writing. On this point we are unwilling to speak with much confidence, but we are tolerably certain that precedents could be given for both modes. It was only during last Session, a few weeks before the resignation, that a Member of the administration had resigned on another point. His permission to explain, if we mistake not, was a *verbal* one. In our view of the question, and we feel convinced that we are correct, it can be of no consequence whatever, whether the permission is a verbal or written one. In either case it must be *full, and unrestricted* or it will not be accepted at all. The explanations are invariably made in presence of a Responsible Minister, whose duty it is to take care that facts are correctly stated. We admit that one cause of difficulty on the occasion of the late resignation, was the inability of the Governor's only responsible adviser to attend the sittings of the House. Undoubtedly the best course would have been, to have put off all explanations as well as all public business until the new Ministry had been formed. It was not, however, the fault of the Ex-Ministers that a new Ministry was not formed, and we may remark en passant that we wonder it has never occurred to a man so fond of "precedents" as Mr. Viger, that a provisional Ministry is both a new and dangerous experiment. There are precedents perhaps, but then the circumstances are as widely different as are those which led to the late resignation in Canada, from those which caused Sir Robert Peel to refuse office in 1839. When the late Ministry applied in the usual way for full permission to make such explanations as were necessary for their vindication, it was frankly ac-

corded to them, coupled, however, with a request that they would put on paper *the substance* of what they proposed communicating to the House. They had no doubt that Mr. Daly would be present, and never, of course, for one moment imagined that there would be any difference as to matters of fact. The real parties on their trial were the Ex-Ministers on the one hand, and Mr. Daly on the other, but unfortunately, as we think, the Governor General was advised to make himself a party personally, and the consequence has been, despite all the efforts of the Ex-Ministers to prevent it, that His Excellency has placed himself in the position of an accused person, and is at this moment looked upon by many as the leader of a party adverse to the late Ministry, rather than as the strictly impartial Representative of the Queen. Such has been the unfortunate result of the communication to the House of the document purporting to be an answer to Mr. Lafontaine. The course taken by the Governor on this occasion, and which is very strongly objected to by Mr. Viger, even while he tries to apologize for it, though quite inconsistent with Responsible Government as understood in Canada, is in strict accordance with the views on that question which His Excellency is known to entertain. According to the Governor's request, Mr. Lafontaine prepared a statement embodying the substance of the proposed explanations, and sent it early on Monday morning to His Excellency.—No intimation was made to Mr. Lafontaine that any objection was entertained to his statement until *within an hour* before the time that the House was to meet on Wednesday, when the letter of the Governor General, dated Tuesday, was placed in his hands. It was, of course, impossible for him to communicate with his colleagues unless the explanation had again been postponed. No intimation was given that this paper would be communicated to the House. It is now to be considered whether there was anything in the document alluded to, which ought properly to have caused further delay, or to have prevented the explanations altogether. Mr. Viger calls Mr. Lafontaine's letter "une espéce d'exposé." The answer to it is principally an argument against the view taken by the Ex-Ministers of Responsible Government, and *the protest* which is such a bug-bear to Mr. Viger, in reality amounts to nothing. It is not, as we shall shew, a protest against explanations being made, but against the arguments made use of by Mr. Lafontaine and his colleagues. The protest, however, is conditional. Mr. Viger does not seem to have noticed what follows it. The whole paragraph ought to be taken together, and it is most unfair in Mr. Viger to quote the first two lines, omitting the remainder. Mr. Lafontaine had imputed to the Governor that "he took a widely different view of the position, duties and responsibilities of the Executive Council from that under which they accepted office." This representation His Excellency says "is calculated to injure him *without just cause* in the opinion of Parliament and the People" it conveys "a misapprehension of his sentiments and views, which has no foundation in any part of his conduct," *unless*, mark what follows, "*his refusal to make a virtual surrender of the Prerogative of the Crown to the Council for party purposes*" can be regarded as warranting the representation. Now, surely even Mr. Viger ought to perceive that the words following *unless*, explain the whole difficulty. The protest is merely against the argument of Mr. Lafontaine, and everything depends

after all, on what is understood by RESPONSIBLE GOVERNMENT, *that* "*undefined question as applicable to a Colony.*" We assert with perfect confidence that the present Governor General considers Responsible Government *as understood* by the majority of the House of Assembly, by the late Ministry, by Mr. Viger himself, by Mr. Buchanan, and Mr. Wakefield, his own great champions, *to be inadmissible* as requiring "a virtual surrender of the Prerogative of the Crown to the Council for party purposes." What then becomes of the Protest? We contend that the main facts, stated by Mr. Lafontaine, "faits précisés clairs et distincts" are not contradicted in the answer. Is it denied that appointments were made without the advice of the Council, and prejudicial to their political influence? The next question we ask is,—Is such a mode of proceeding consistent with the resolutions of 3rd Sept., 1841, which the Governor General professes to take as his rule of Government? We think not, so does Mr. Viger and so do the House of Assembly. Here then was the real point of difference which led to the remonstrance on the part of the Ministers. The Governor, in his answer, states that he observes in the explanations "a total omission of the circumstances which *he regards* as forming the real grounds of their resignation." These His Excellency then proceeds to mention, but it will be observed that there is no difference with regard to facts. The Governor makes no allusion to those circumstances which led to the remonstrance, but this, of course, is a virtual admission of the correctness of Mr. Lafontaine's statement. The main difference between this and the explanation given by the Governor General, as any one understanding the question will at once perceive, is that the Governor passes over the "some preliminary remarks" and dwells altogether on the demand made by the Council, his refusal to accede to which was, in his opinion, the cause of the resignation, whereas the Ex-Ministers dwell upon *the erroneous system which was in operation*, and, which as they proved to the satisfaction of the House, had been pursued by the Governor General, and gave as their reason for resigning that on remonstrating with His Excellency, they found him *determined to adhere to his previous course*, and in a state of "antagonism" with them on the subject. Nothing can more clearly shew that the Ministers were not very tenacious even about the adoption of their own suggestions, than the following extract from the letter of the Governor General, "Three or more distinct propositions were made to him, over and over again, sometimes in different terms, but always arriving at the same purpose, which in his opinion if accomplished, *would have been a virtual surrender into the hands of the Council, of the Prerogative of the Crown.*" The passage italicized is a favorite one, and in point of fact, the whole question at issue depends on the extent to which the Prerogative is to be controlled. The great object of having a Responsible Ministry is, that there may be a "guarantee" that the Prerogative will be subject to controul, and that it will be exercised in accordance with the well understood wishes of the people, represented and advocated by men having the confidence of Parliament. It is important to bear the foregoing remarks in mind, because it would be supposed from the document alluded to, that the demand of the Council was made without any particular reason for it, whereas we have shewn that "the some preliminary remarks as to the cause of their

proceeding" are of vital importance to the Country. The system previously pursued by the Governor had been very unsatisfactory, and was calculated to destroy the political influence of the Ministry, and they were compelled to remonstrate and to come to an understanding with His Excellency on certain points. Almost the only point on which there is even *an apparent* misunderstanding between the Governor and the Ex-Ministers, is that regarding the "*stipulation.*" That, however, would long since have been cleared up had there been a Responsible Minister in Parliament. We believe that there is no real difference between them. The Ministry have never denied that they gave the Gov. General to understand that they could not afford him any assistance in the administration of the Government if the system of making appointments prejudicial to their influence was to be continued. This may be termed requiring "a stipulation." We deny that it is so. Will any one pretend that if at the present time, it being perfectly well known to every one that the Governor has avowed his determination not to be influenced in any way by party considerations, His Excellency were to invite Mr. Viger to form an administration, he might not with perfect propriety ask His Excellency whether such were his views as to the mode of administering the Government, as if so, it would be out of his power to render him any assistance? There surely would be no "*stipulation*" in all this, and we could very easily find plenty of English *precedents* for "stipulations" of this kind. Now, in our judgment, Mr. Viger if called on as we have supposed, would not only be justified in taking such a course, but he would neglect his duty to his country if he failed to do so. If then a gentleman called on to form an administration would be justified in coming to such an understanding with the Head of the Government as to his views on public policy, surely the members of an administration are equally warranted in doing so, especially after a change in the Head of the Government, and when they have reason to think that there is a wide difference between him and them as to the policy to be pursued. We have extended our remarks on this subject to a greater length than we could have wished, because there is *an apparent*, although no real difference between the Governor General and the late Ministry with regard to the "stipulation," which never could have existed had there been a Responsible Minister in Parliament during the discussion, as was fully expected when the explanations were made. As to the other points there is no dispute. The Ministers also felt themselves bound to explain to the Head of the Government, that if appointments were to be made, as heretofore, without their advice being taken, they could not continue to hold office. The reference to the lists of candidates was also called for. The object was that these lists should be deposited with the Responsible Secretary of the Province, and not with the Private Secretary to the Governor. We assert broadly, that unless the advice most respectfully tendered by the late Council be followed out, *there can be no real Responsible Government*, as it is understood by the Country. The votes of the Ex-Ministers for Mr. Boulton's resolution, which was seconded by Mr. Lafontaine, afford the best evidence that can be offered, that they did not require "*a stipulation*" in the ordinary acceptation of that term.

As we propose to offer a few remarks elsewhere on the general question of

Responsible Government, we shall now proceed to the 3d objection taken by Mr. Viger, viz: to the latitude taken by the Ex-Ministers in their explanations. We have already pointed out what we conceive to be the true doctrine with regard to Parliamentary explanations, and we feel persuaded that we are correct. The nature of the difference between the Head of the Government and the late Council necessarily led to the disclosures of which Mr. Viger complains but which the Ministers conceived themselves fully authorized to make. The simple question is—had these statements anything to do with the subject under consideration? Now, one cause of the difference between the Governor and the Ex-Ministers was, that appointments had been made without or against the advice of the latter. This fact was undisputed. What possible objection then could be made to the furnishing of instances in which it had been done? Mr. Viger is entirely astray in his charge that one of the Ministry made disclosures with regard to what took place in Sir Charles Bagot's time. The case to which he refers and which was simply an illustration of the manner in which strangers were fastened on the country by means of letters from English friends, was not given in any way on information obtained by the gentleman who alluded to it, as a Member of the Council, but on private information open to any other individual as well as to him.

We have abstained from saying any thing on the subject of the "Secret Societies Bill," although the course pursued by the Governor with reference to that measure was entirely inconsistent with Responsible Government. The Ministry might, and probably would have resigned on this question alone, as "un fait distinct," had it not been evident to them that the difficulty in which they became involved with regard to it, was caused by a total misconception on the part of the distinguished individual at the head of the Government of the mode of working out Responsible Government. This is, after all, the real question before the country, and Mr. Viger must not conceal from himself that it is. It is idle for him to tell the people of Canada that the Governor General subscribes entirely to the Resolutions of 3d Sept., 1841, and considers any other system of Government impracticable. We do not for one moment mean to question the sincerity of His Excellency, who has been perfectly consistent throughout the whole of the late difficulties. We do, however, mean to say, that the Governor General does not understand those resolutions in the same sense in which they are understood in the Province. There is now no real Responsible Government. Mr. Viger is fond of *precedents*,—let him find a *precedent* for the Private Secretary of the Sovereign performing the duties now discharged by the Private Secretary of the Governor General. It is stated in the public newspapers at Toronto, that letters have been received from Mr. Higginson, pledging the Government to a certain line of proceeding with regard to the University, and even promising large endowments of money, which no *responsible* Ministers would dream of. We care not whether these papers have stated what is strictly the truth. Perhaps they have not. The fact however remains, that while Mr. Viger is a responsible Minister, the Governor's *irresponsible* Private Sec'y is carrying on a correspondence on the local affairs of the Province, which fall peculiarly within the department of the responsible Secretary. It is notorious that since the arrival of Sir Charles Metcalfe the

Private Secretary has discharged more of the functions of a Minister of the Crown than any one of the really responsible Ministers. Nothing can be more obvious than the impropriety of a Private Secretary keeping up a correspondence on the local affairs of the Province, and of course expressing opinions with regard to them by which the Government must be bound. Again, Mr. Viger, being a Responsible Minister, will be bound to defend in his place in Parliament, all the answers of the Governor to the addresses daily sent to him, in which he pledges his present and future administration as to their line of policy on many subjects, but which in all probability none of his Ministry ever see until they are in print. In one of them we find the following passage—"for "although it is *physically impossible* consistently with the despatch of public "business that *every act* of the Governor in this Colony could be made the "subject of a formal reference for the advice of the Council, there can be no "doubt that it will be the inclination as well as duty of the Governor to con-"sult the Council *on all occasions of adequate importance.*" We must compliment the individual, whether *responsible* or otherwise, who frames the various answers to addresses. Responsible Government is "*an undefined question as applicable to a Colony*," but the Gôvernor General is determined to govern in strict accordance with it *as he understands it.* We are now told that he will "*consult the Council on all occasions of adequate importance*" —he himself, as a matter of course, being the judge. Why, Sir Francis Head promised as much 8 years ago, and there has never been a Governor in the Country that would not have made the same admission. And yet Mr. D. B. Viger holds himself to the Canadian Public as responsible for such sentiments, and pledges himself to his Countrymen that Responsible Gov't is fully conceded. Let us not be misunderstood however. Every Member of the late Council was as well aware as the Governor can be, that it is "physically impossible to make formal references to Council of every matter that comes up for decision," nor did any of them desire that any such system should be practised. Every act of the Governor, however, must be communicated by his Secretary, and that Secretary should be a responsible Minister, thoroughly acquainted with the policy of the Administration of which he is a Member, and capable of advising the Governor on every subject not of sufficient importance to be referred to the Council. If the Secretary recommends any step prejudicial to the Administration, which for his own sake he will not do, his colleagues will of course hold him responsible to them. One thing is perfectly clear, viz., that there must be a party Government, and that the Governor must be prepared to administer the Government in accordance with the wishes of his Council, so long as he retains them. What we complain of is, that Mr. Viger, knowing as he must do, the opinions of Sir Charles Metcalfe on this subject, should represent him as entertaining those views of Responsible Government which he Mr. Viger has always professed, and which he admits are held "comme une espéce de foi politique dans toute l'étendue de cette Province," and of which he says "rien ne fait plus d'honneur a ses habitants que leur sentiment profond d'attachement pour un systéme *dont la pratique peut seule assurer ces droits precieux.*" A great deal has been said in some of the public journals, about the support given to the Governor General by the English press. For

this we were fully prepared. The press as well as the Imperial Government, will always take sides against the Colonists when they are contending for their rights as British subjects. It is well, however, that the Canadian people should know the opinions expressed by the English Ministerial press, which are thoroughly against Responsible Government as understood by the Canadians to have been established by the Resolutions of 3d September, 1841. The London "Times" says—

"The truth is that "Responsible Government", or in other words repre-
"sentative government *in a Colony* is not and cannot in the nature of things,
"be the same thing as Responsible or Representative Government *in an im-*
"*perial State.*"

We need not continue the quotation which contains precisely the same arguments that we heard years ago from Sir Francis Bond Head, whose opinions the Editor of the leading journal of England understands Sir Charles Metcalfe to hold. Again let us quote an extract from a writer in the "Times".—Alluding to Sir Charles Metcalfe's recognition of the Resolutions of 1841, which he regrets; he says—

"The fact is *that the principles for which he contends, and the Resolu-*
"*tions in question are incompatible, and cannot co-exist*, and the only re-
"medy in my humble judgment must come hence. The Imperial Government
"must pass resolutions to amend those passed in Canada in 1841! ! ! * * *
"Sir Charles Bagot got us into a difficulty from which there is no safe way
"out but by a retreat. The fatal steps must be retraced, and the sooner they
"are so the easier we shall find the operation. There must be no squeamishness,
"no mincing the matter. Responsible Government has been tried, and found
"wanting, and we must hear no more of it. But it is not in the power of Sir
"C. Metcalfe, *though he has had a fair kick at it*, to give it the *coup de*
"*grace.* That power is possessed by the Imperial Government alone."

Need we add another word to prove that the English opposition to the Ex-Ministers, is to Responsible Government, which they hate, and which they fully believe Sir Charles Metcalfe to have had *a kick at!* Will Mr. Viger help to kick it over for ten years more?

Having quoted the opinions of the "Times" we proceed to give those of the "Morning Chronicle", the great organ of the Whig party. It is true that the latter journal, unable to believe "that a man of Sir Charles Metcalfe's good sense and liberal views could have been guilty of such an error," and deceived by "a well informed correspondent" (qu. Mr. Wakefield?) has censured the conduct of the Ex-Ministers. It has, however, done so on broad grounds, and grounds that we unhesitatingly pronounce false. The Ex-Ministers did not desire "to exclude him (the Governor) from any voice in the management of affairs"—they did not treat him "as if he really formed no part of the Council over which he presided"—they did not "pick a quarrel with the Governor as a pretext for slipping out of office instead of being driven out by a Parliamentary vote." Our readers will readily guess the quarter

from which such charges emanated, and will understand that the censure of the "Morning Chronicle" was owing to its belief of the statements of a person on the spot, in whose veracity it confided. No wonder that the "Chronicle" should exclaim against the "gross impolicy of raising a dispute on an abstract principle of government, *when circumstances had not rendered its determination necessary*" and against "the indecency of requiring such a pledge from a Governor *whose previous conduct had indicated no necessity for so binding him.* For our own part we look upon the above quotation as strong evidence in favour of the Ex-Ministry, but with regard to the great principle at stake, the views of the "Morning Chronicle" are every thing that we could wish, and are in direct opposition to the "Times" and to the Governor General. We have italicised the most important passages.

From the Morning Chronicle.

"The friends of the retiring councillors assert that the dispute has originated "in Sir Charles Metcalfe claiming a right to make all appointments in the "Province, without the sanction or advice of any Responsible Minister. It is "quite clear that such a claim, on the part of the Governor, *is perfectly in-* "*compatible with any responsibility on the part of any one else*; for no "one in his senses would consent to be responsible for the conduct of a depart- "ment in which another person had the nomination of his subordinate agents. "*That every appointment under the Crown should be made with the sanc-* "*tion of a Responsible Minister, is the first principle of Parliamentary* "*Government.* And those, indeed, who would not admit the full principle "of Responsible Government, would surely allow its application to questions of "local patronage. A Governor from England may sometimes be able to form "a sounder opinion respecting the policy of Government than those who have "had the confidence of the Colonial Assembly. But with respect to appoint- "ments to office, it is impossible that he can be so competent a judge as persons "having, from their earliest youth, a knowledge of colonial society. With res- "pect to such matters the Governor must, in ninety-nine cases in every "hundred, take his opinion from some one else, instead of forming it himself; "and it is surely better that that other person should be recognized and respon- "sible. If Sir Charles Metcalfe, *therefore, really insisted on exercising the* "*patronage of the Crown, without the sanction of any Responsible Minis-* "*ter, he undoubtedly deviated from the established rules of Parliamentary* "*Government, in a manner which must have rendered it impossible for any* "*of his Ministry to act under him.*

We cannot conclude our notice of Mr. Viger's pamphlet without some remarks on the peculiar position of that gentleman. He professes to approve of the general policy of the late Administration, and to hold their views on the subject of Responsible Government—and by his vote on the Address he admits that the Council ought to be consulted on all appointments to office. He differs principally with the Ministry on a question or questions of mere form. Even upon his own view of the case the late Ministry were in an embarrassing position, and brought into it in consequence of the Head of the Go-

vernment not having acted according to those principles professed by Mr. Viger. Now even admitting them to have acted imprudently, injudiciously, or whatever Mr. Viger pleases, is that, we ask of him seriously, a good reason for bringing dissension among his countrymen, whose influence must necessarily be destroyed by a division? With whom has he linked himself? Let him enquire who are the parties getting up addresses in Upper Canada in opposition to the late Ministry. Has he any sympathy whatever with them or they with him? Will he condescend to be yoke-fellow with the Grand Master of the Orangemen? Who are the loudest in singing his praises in Lower Canada? Why the very men who a few years ago *objected to his being fattened for the gallows.*

Mr. Viger is a gentleman of great experience in political life, one who professes to understand the working of representative government as well as any other man in Canada, and he therefore must know that it is morally impossible that he can continue politically connected with the party which is opposed to the Ex-Ministry. He may possibly divide his countrymen,—though we don't believe that he can—but what would be the consequence? their utter prostration as a party. We trust that we have treated Mr. Viger in the foregoing observations with that respect to which we admit that he is entitled. We deem him to be in fearful error, both in the view that he has taken of the great question discussed during the last Session of Parliament, and still more in the course that he has subsequently adopted. He has done great service to the cause of civil and religious liberty during his long life, but the injury that he has inflicted on the country by giving his sanction to the Government being conducted for upwards of two months without a Ministry, is greater than can be imagined at present.

The foregoing remarks were written previous to the publication of the Governor General's answer to the highly important address from the Warden and fifteen Councillors of the District of Gore. The object of that address was to put the Governor General in possession "of the true state of public opinion and the real feelings of the country," "in the absence from your Excellency of constitutional advisers." We shall quote the most important passage.

"We therefore humbly assure your Excellency, representing as we do, va-
"rious townships in this District, and being intimately acquainted with the
"views, feelings and wishes of the several constituencies we have the honor to
"represent, that public opinion in this District, and we believe throughout the
"length and breadth of Canada, will fully sustain the late Executive in the
"stand they have taken, and the views they have expressed in relation to Co-
"lonial Administration under the principle of Responsible Government, as
"enunciated and set forth in the Resolutions of the Assembly of September,
"1841, and practically carried into operation under your Excellency's late
"lamented predecessors, Lord Sydenham and Sir Charles Bagot."

It is evident that on the receipt of an address emanating from parties of so much influence in a very important section of Upper Canada, the Provisional

Administration (for every act of the Governor must on our principles be ascribed to them,) felt the absolute necessity of advising the Governor General to make an explicit declaration of those views on Responsible Government which they are prepared to support, and which, any new administration that may be formed, will have to defend in Parliament. No one has more distinctly avowed his responsibility for every act of the Government than Mr. Viger, and yet we hardly know how to believe it possible that he can have sanctioned and bound himself to defend in Parliament, the answer to the address from the Warden and Councillors of the District of Gore. It must be obvious to every man who reads that answer, that the Responsible Government of the present Provisional Administration, is essentially different from that which the people of Canada believed to have been conceded by the resolutions of 3rd September, 1841. We shall have very little trouble in proving this to the satisfaction of every unprejudiced reader. In the document communicated to the House of Assembly by the distinguished individual at the Head of the Government, will be found the following passage.

The Governor General *subscribes entirely* to the Resolutions of the Legislative Assembly of the 3rd September, 1841, and considers any other system of Government but that which recognizes Responsibility to the People and to the Representative Assembly as impracticable in this Province.

The resolution in question declares in express terms "That the Head of the Executive Government of the Province, being within the limits of his Government, the Representative of the Sovereign *is Responsible to the Imperial authority alone.*" This is one of the most important principles declared in the resolution, the one upon which the whole system hangs, and the misunderstanding regarding which has led to all our difficulties. Let our readers mark the contradictory language of the answer to the Gore address, which contains Mr. D. B. Viger's *new view* of Responsible Government.

"He (the Governor) IS ALSO VIRTUALLY RESPONSIBLE TO THE PEOPLE OF THIS COLONY, AND PRACTICALLY MORE SO THAN EVEN TO THE MOTHER COUNTRY. Every day proves it *and no Resolution can make it otherwise*! ! !"

One would suppose that after such a declaration the absurdity of advising the Governor General to profess to uphold Responsible Government, would have occurred to such shrewd politicians as Messrs. Viger and Draper, but no! we are assured in almost the next sentence that the Governor "entirely agrees" with the signers of the address if they mean that "the Resolution of September, 1841, should be faithfully adhered to." We deny the practical responsibility of the Governor to the people of Canada. It cannot and ought not to exist. Until the public became aware that the Governor entertained strong views of his own both with regard to the measures, and the patronage of the Government, he was considered by all parties in the Country as the Representative of his Sovereign, and as disposed to be perfectly impartial to all. What a change has since taken place! and how painful it must be

to His Excellency to find himself in the position in which he now is. The virtual Responsibility to the people of Canada, which is referred to in the answer to the Gore address, arises from His Excellency being now considered by many as at the head of a party, and that party the minority both in Parliament and in the Country. The very addresses which appear to give so much satisfaction to His Excellency, what are they? party addresses—how different from those welcoming his arrival, which were from the whole people.

We need not pursue this subject, but we have one or two observations to make regarding the distribution of patronage, which the present administration has distinctly declared is to be given solely according *to merit*, and not with reference to party considerations. It will be observed that the Governor has repeated the old declaration that "Her Majesty's Government has no inclination to exercise any unnecessary interference in your local affairs," and also that "the Government should be administered according to the well understood wishes of the people." It is admitted on all hands that the Provincial administration must be composed of men entertaining the same political views, having confidence in one another, and having the support of a Parliamentary majority. If then, the majority desire that the patronage of the Crown should be administered with reference to party considerations, and the majority, as a matter of course, always will desire that it should be so administered, does it not follow that the Governor by throwing his personal influence into the scale against the majority, is violating the very principle which he professes to follow? Are the private opinions of the Governor or of the Imperial Cabinet, to be the rule of Government in opposition to the well understood wishes of the people? The late Ministry in opposing the appointment of men to office who held political principles adverse to those of the majority of the people, were acting in accordance with the wishes of their supporters, who will never tamely submit to see Government influence placed in the hands of those who will use it to the prejudice of the public interests. There can be no doubt that the opposition being *the party of the minority*, will be in favour of distributing the patronage of the Crown to all parties, so that they themselves may get a share. But how absurd it is for the Canadian Tories, who, when in power, acted most strictly on the principle of never giving offices to their opponents, to come forward now to condemn their own practice. We cannot conclude these few remarks on the question of patronage without a reference to the "irresponsible and unconstitutional advisers," complained of in the address from the Warden and Councillors of Gore, but with regard to whom the Governor says, "I am not aware of their existence." Now, every one knows that Sir Charles Metcalfe, could have had no knowledge of Mr. Powell, the Clerk of the Peace of the Dalhousie District, before he came to Canada, and it is only fair to His Excellency to suppose that he did not appoint that gentleman, as well as a Mr. McDonald, a mere stranger, who only came to the Province a few months before, to highly important offices without advice or recommendation of some sort. The public *know perfectly well* that Mr. McDonald had no claim whatever to office in Canada, and that if judged according to *merit*, which is the professed rule, neither he nor Mr. Powell could have succeeded in obtaining the recommendation of any person really responsible to the Canadian Public, in

preference to other gentlemen who would have accepted the vacant offices. The persons, whoever they are, and the Private Secretary could, in all probability, give some information regarding them, who recommended those appointments, are those whom the signers of the Gore address and the public term "irresponsible and unconstitutional advisers." Having made broad assertions, we feel disposed to prove them. The office of Clerk of the Peace of the Bathurst District fell vacant a short time since. That office has generally been filled by a Lawyer, and ought always to be unless there is some strong reason to the contrary. Among other duties is that of drawing indictments at the Quarter Sessions. On the vacancy occurring a gentleman applied for the situation who is of unblemished character, born and educated in Canada, a Barrister and Attorney at Law, and whose appointment would have given a large amount of public satisfaction. Another candidate appeared in the person of a Mr. McDonald, a stranger lately arrived from England, where one of his relatives holds an official situation—he is not a Lawyer, and certainly has no peculiar qualifications for the office. The Governor professes to maintain the principle that office *ought, in every instance,* to be given *to the man best qualified to render efficient service to the State.*" Acting on this principle the judicial office of Clerk of the Peace was given to a stranger from Britain utterly ignorant of its duties, in preference to a Canadian Lawyer of respectable character and talents!!! Such is the Responsible Government of Messrs. Viger, Draper and Daly. And with this illustration of the *practical working out* of the *theory* of giving offices to individuals solely on the ground of *merit*, we dismiss the subject.

We cannot better conclude our remarks than with a quotation from one of our most eminent writers on political economy, Mr. McCulloch. It will be found in an article on the Constitution and Government of England in "McCulloch's Geographical Dictionary" under the head "England and Wales." The Reformers of this Province have always contended for the principles of the British Constitution, and have invariably been guided by British practice, to which they will at all times defer. It is therefore important that they should clearly understand the system under which the patronage of the Crown is distributed in the Mother country—and notwithstanding the sneers of the London Times and the Conservative journals against the Colonists, we mistake the people of Canada much if they do not insist on being placed on precisely the same footing as their fellow countrymen in Britain. To the Governor and to the Imperial Ministry we would address the warning of Lord Durham, which they would do well not to disregard. "It needs but to follow out "consistently the great principles of the British Constitution, and introduce "into the Government of these great Colonies, those wise provisions by which "alone the working of the Representative system can in any country be ren-"dered harmonious and efficient."

From McCulloch's Geographical Dictionary,—article on "England and Wales."—Constitution and Government.

"Not only are the Legislative measures proposed by the Crown and the "conduct of the internal Government of the country, and its foreign relations

" with other States entrusted to Ministers, but they have also the disposal of all, " or by far the greater part of the patronage belonging to the Crown. Offices " *involving no political responsibility, such as those of the household*, " have been sometimes exempted from this rule, and left to be filled up by " the Sovereign according to his personal predilections, but this is not by any " means an uniform practice, and Ministers *have repeatedly required* and ob- " tained the disposal of these offices."

" Generally speaking, patronage in a country like England, is always exer- " cised with a view to the acquiring or preserving Parliamentary support. " Napoleon, the King of Prussia and the Emperors of Austria and Russia " might select individuals to fill offices on the sole ground of their superior fit- " ness to discharge their duties. But in a free country suitableness for office " is *not the only thing to be attended to* in deciding as to the comparative " claims of candidates for official preferment: if they possess it so much the " better; but the primary consideration is, how is the government to be car- " ried on? Now that, it is plain will be best effected by securing the active " support of the friends of Government and by weakening the party of their " opponents; and the distribution of patronage is one of the principal means " by which these objects are to be realized. A government that should ne- " glect to avail itself of this power *could not long exist*. Hence in England, " nine out of every ten situations are disposed of on the recommendation " of persons possessed of Parliamentary influence. This in fact is here the " *via regia* to preferment and state distinction. In filling up the conspicuous " situations, the talents and acquirements of the Candidates, as well as their " recommendations must necessarily be taken into account; but in the great " majority of cases parliamentary patronage is the *sine qua non*. Were the " Government more popular than it is, this result would be still more apparent. " A man of ability in Prussia without connections, has a much better chance of " getting on if he devote himself to the public service than in England; but " at the same time, the chances of such a person being advanced are infinitely " greater here than in the United States. In the latter every thing is sacrifi- " ced to party considerations; and the most splendid talents and capacity to " render great public services would never advance their possessor one step on " the ladder of promotion if he happened to be of a different party from that in " favour at the time, or to want party support. The reason is, that in Eng- " land parliamentary influence predominates merely, whereas in America it is " every thing; and every thing must, in consequence, be made subservient to " its support."